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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/669,684      | 09/25/2003  | Hideto Yamada        | 742421-79           | 4419             |

22204 7590 08/09/2006

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| EXAMINER |
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LUONG, VINH

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3682

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/669,684

Applicant(s)

YAMADA ET AL.

Examiner

Vinh T. Luong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-7, 10, 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/26/06 & 9/25/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
Vinh T. Luong  
Primary Examiner

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. The Amendment filed on July 26, 2006 has been entered.
2. The drawings were received on July 26, 2006. These drawings are not accepted by the Examiner because:

(a) The corrected drawing sheets are not in compliance with 37 CFR 1.121(d). For example, the label "Replacement Drawing" should be changed to "Replacement Sheet." Another example, drawing sheet 4 lacks Fig. 5. Note that the original sheet 4 shows Figs. 5 and 6. If Applicant intends to cancel Fig. 5, the remaining figure must be renumbered and appropriate changes must be made to the brief description of the drawings and the specification for consistency; and

(b) The drawings are not in compliance with 37 CFR 1.84. For example:

(1) The lead line for referential numeral 12 in Fig. 1 is misplaced. It should lead to the wire, not the bracket;

(2) Paragraph [0036] of the specification describes the elongated hole 5i, nevertheless, Fig. 2B shows the hole 51. See 37 CFR 1.84(p)(5); and

(3) The referential characters, such as, 13, 9b, *etc.* in Figs. 2D and 3 are not measured at least .32cm (1/8 inch in height). See 37 CFR 1.84(p)(3).

3. The *original* drawings are objected to because of the reasons, *e.g.*, listed below:

(a) The drawings are inconsistent with each other. For example, Figs. 2D and 4 show that the bracket 9 and the cover 13 are formed as separate pieces. See paragraph [0041] of the specification. However, Fig. 3 shows that the bracket 9 and the cover 13 are formed as one-piece as evidenced by their hatchings;

(b) The drawings should show the plane upon which a sectional view in Fig. 3 or

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4 is taken; and

(c) In Fig. 1, the lead line for referential numeral 12 is misplaced. It should lead to the wire, not the bracket.

Corrected drawing sheets *in compliance with 37 CFR 1.121(d)* are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Claims 1, 3-7, 10, and 11 are objected to because of the following informalities: the claims contain typographical error, *e.g.*, the recitation “so so as” in lines 11 and 12 of claim 1 should have been changed to “so as.” Appropriate correction is required.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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6. Claims 1, 3-7, 10, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear whether the term that appears at least twice, such as, “an operational pedal” in claim 1 refers to the same or different things. See double inclusion in MPEP 2173.05(o).

7. Claims 1, 3-7, 10, and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. Applicant’s arguments filed July 26, 2006 have been fully considered but they are not persuasive.

#### **DRAWINGS**

The drawing correction has been disapproved for the reasons set forth above.

#### **35 USC 112**

The previous rejection under 35 USC 112, second paragraph, has been withdrawn in view of Applicant’s amendment. However, the amended claim 1 is still indefinite due to the double inclusion of the term “an operational pedal.”

#### **ART REJECTION**

The previous art rejections have been withdrawn in view of Applicant’s amendment.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

August 4, 2006



Vinh T. Luong  
Primary Examiner